

**REMARKS / ARGUMENTS**

The present application includes pending claims 1-32, all of which have been rejected. Claims 1, 5, 9, 14, 20, and 26 have been amended with the present response, for further clarification. Claims 19, 25, and 31 have been cancelled. Claims 33-45 have been newly added. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent No. 6,502,193, issued to Barber (hereinafter "Barber").

Claims 1-32 are further rejected on the ground of non-statutory obviousness-type double patenting as being unpatenable over claims 1-13 of Patent 7,289,632.

Claims 1-32 are further rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

The Applicant respectfully traverses the above rejections for at least the reasons set forth below and in preceding prosecution responses of the present application. The Applicant reserves the right to argue further reasons beyond those set forth below to support the allowability of claims 1-32.

### **ALLOWABLE SUBJECT MATTER**

Claims 19, 25, and 31 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, set forth in the Office Action and to include all of the limitation of the base claim and intervening claims.

To this end, the Applicant has amended claims 14, 20, and 26 to include the limitations previously presented in claims 19, 25, and 31. Claims 19, 25, and 31 have been cancelled. The Applicant also refers the Examiner to the remarks on the rejection of claims 1-32 under 35 U.S.C. §112 below. In view of the mentioned claim amendments to claims 14, 20 and 26, and in view of the arguments set forth below to overcome the 35 U.S.C. §112 rejection, the Applicant believes that claims 14-32 are in condition for allowance. Furthermore, the new claims 33-45 are similar in many respects to claims 14-32, and are thus respectfully also requested to be made allowable.

### **RESPONSE TO FINAL OFFICE ACTION ARGUMENTS**

The Applicant asserts that claims 1-45 define patentable subject matter, and respectfully requests that the objections to claim 1-32 are withdrawn, in view of at least the following remarks.

### **REJECTION FOR DOUBLE PATENTING**

Claims 1-32 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatenable over claims 1-13 of Patent 7,289,632. The Applicant respectfully disagrees.

However, in an effort to further the prosecution of the present application, and in accordance with 37 CFR 1.321(c), a terminal disclaimer is being filled concurrently with this response. The Applicant thus respectfully request that the rejection on the ground of non-statutory obviousness-type double patenting be withdrawn and claim 1-45 be made allowable.

## **REJECTION UNDER 35 U.S.C. § 102**

### **I. Barber Does Not Anticipate Claims 1-32**

The Applicant now turns to the rejection of claims 1-32 under 35 U.S.C. 102(e) as being anticipated by Barber. With regard to the anticipation rejections under 102(e), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

#### **A. Rejection of Independent Claims 1, 5, 9, 14, 20, and 26 under 35**

**U.S.C. § 102 (e)**

With regard to the rejection of independent claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. § 102(e), the Applicant submits that Barber does not disclose or suggest at least the limitation of:

acquiring a security code, receiving media containing said security code, translating said security code to an IP address corresponding to said second communication device and routing said received media to said second communication device based on said IP address of said second communication device, said IP address of said second communication device remaining anonymous to said first communication device.

as stated by the Applicant in claim 1, for example. The Office Action of October 10, 2008 referred to a single reference in Barber, column 5, line 41 to column 7, line 18 for support. The Applicant respectfully refers the Examiner to the Office Action response by the Applicant of March 17, 2009 for additional and detailed arguments over those set forth below in response to the Office Action of July 7, 2009.

In response to the arguments brought in the Office Action, the Applicant respectfully submits that claims 1-32 define patentable subject matter. In particular, Barber does not anticipate at least the following limitations of amended claim 1:

acquiring a security code from a second communication device by a first communication device;

receiving media containing said security code from said first communication device at a third communication device;

translating said security code to an IP address corresponding to said second communication device;

Specifically, the Office Action states that:

Instant claim limitations can broadly be interpreted as any two devices communicating with each other, in particular server 220 and user terminal 110 in the security system 200 [as illustrated in Barber FIG. 2]. Local server 220 receives/authenticates the user security code (password, ID) along with translating that security code by substituting with fresh password (using it as an IP address of the user terminal). Since the original ID was never disclosed, Barber (6,502,193) does disclose secure communication by exchanging information without specifically declaring IP address to the first communication device.

The above statement is based upon a misunderstanding of claim 1. Initially, the Applicant would draw the attention to the fact that claims 1, 5, 9 have been amended to further clarify the language of the claims, and to further prosecution.

The Office Action states that “[l]ocal server 220 receives/authenticates the user security code (password, ID).” Thus, the Office Action considers the local server 220 in FIG. 2 of Barber to be a first communication device (“acquiring a security code from a second communication device *by a first communication device*”), and user terminal 110 as a first communication device (“acquiring a security code *from a second communication device*”). The office action then states that “Local server 220 . . . *authenticates* the user security code (password, ID) along with translating that security code by substituting with fresh password (using it as an IP address of the user terminal).” However, this is inconsistent with the claims by the Applicant because “translating said security code to an IP

address” as claimed by the applicant occurs at a third communication device, as claimed by the Applicant. The Applicant points out that even the claim in its original form did *not* state that the media containing the security code was received by a first communication device, as assumed and stated in the Office Action. On the contrary, the claim states that the media is received “from a first communication device.” Thus, the Office Action failed to notice that the secure communication described and claimed by the Applicant involves three communication entities. For this reason, the Applicant has amended claims 1, 5, and 9 to further clarify the claims.

In support of the Applicant’s position, the Applicant would also refer the examiner to, for example, the description of FIG. 2A by the Applicant, which summarizes the arguments set forth above. In paragraph [50], it is stated that “In step 204, the proxy server [i.e. a third communication device] completes the push [of the received media] by routing the media to the second communication device using the IP address of the second communication device, which is kept anonymous with respect to the first device.” Thus, it is clear that at least three communication devices are involved.

The Office Action further states that the Applicant’s arguments fail to comply with 37 CFR 1.111(b) for failing to specifically distinguish the Applicant’s claims from the cited references. In light of the above explanation, and the detailed comments brought in the response mailed March 17, 2009 to the Office

Action of October 10, 2008, the Applicant respectfully submits that the claims 1, 5, and 9 define patentable subject matter, and that the Applicant clearly distinguished his claims from the cited references.

Claims 14, 20, and 26 have been amended in accordance with the suggestion on p. 4 in the Office Action regarding allowable subject matter. In addition, claims 14, 20 and 26 are similar in many respects to amended claims 1, 5, and 9, as well as new independent claims 33, 37, and 41. The Applicant therefore respectfully requests that independent claims 1, 5, 9, 14, 20, 26, 33, 37 and 41 be made allowable.

The Applicant also reserves the right to argue further reasons beyond those set forth here in support of the allowability of claims 1, 5, 9, 14, 20, 26, 33, 37 and 41.

**B. Rejection of Dependent Claims 2-4, 6-8, 10-13, 15-18, 21-24, and 27-32**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. § 102(e) as being anticipated by Barber has been overcome and request that the rejection be withdrawn. Additionally, claims 2-4, 6-8, 10-13, 15-18, 21-24, and 27-32 depend from independent claims 1, 5, 9, 14, 20, and 26, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-32.

The dependent claims 34-36, 38-40, and 42-45 are similar in many respects to the dependent claims 2-4, 6-8, 10-13, 15-18, 21-24, and 27-32, and the Applicant asserts that they define patentable subject matter.

## **REJECTION UNDER 35 U.S.C. § 112**

### **I. REJECTION UNDER 35 U.S.C §112, 2<sup>ND</sup> PARAGRAPH**

The Applicant now turns to the rejection of claims 1-32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the "[t]he independent claims recite 'secure communication of information in a communication network ...,' however do not show how that secure communication is achieved".

The applicant initially would like to point out that the MPEP § 2171 states that

"If a rejection is based on 35 U.S.C §112, second paragraph, the examiner should further explain whether the rejection is based on indefiniteness or on the failure to claim what applicants regard as their invention. *Ex parte Ionescu*, 222 USPQ 537, 539 (Bd. App. 1984)."

From the Examiner's comment, the Applicant assumes that the rejection of



independent claims 1, 5, 9, 14, 20, and 26 on the part of the examiner was based on indefiniteness.

Regarding the rejection of claims 1, 5, 9, 14, 20, and 26 for indefiniteness, the Applicant would like to draw the Examiners attention to the Applicant's patent application, in particular paragraphs [49]-[50] which describe FIG. 2A. The description clearly, distinctly and concisely describes an embodiment of the invention, which allows a first communication device to send data to a second communication device, without knowing the second communication device's IP address, by utilizing a third communication device, namely a proxy server. Thus, the second communication device's IP address can be hidden, and is thus secure, from the first communication device. See e.g. [50], lines 4-7 in the Applicant's patent application.

Hence, the Applicant submits that the rejection based on 35 U.S.C. § 112, second paragraph on the independent claims 1, 5, 9, 14, 20, and 26 is removed and the claims made allowable because of at least the above arguments. Because claims 2-4, 6-8, 10-13, 15-18, 21-24, and 27-32 depend on the independent claims 1, 5, 9, 14, 20, and 26, respectively, the Applicant respectfully requests that all claims 1-32 are made allowable.

Moreover, claims 33-45 are similar in many respects to claims 1-32. In view of the above, the Applicant believes the rejection on claims 1-32 under 35 U.S.C. §112 have been overcome, and respectfully assert that claims 33-45 define patentable subject matter.

Application No. 10/675,774  
Reply to Office Action of July 7, 2009

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-45 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8105.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: October 2, 2009

/Hopeton Walker/  
Hopeton Walker, Esq.  
Registration No. 64808  
Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD.  
500 WEST MADISON STREET, 34TH FLOOR  
CHICAGO, ILLINOIS 60661  
(312) 775-8000

/CZF